

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Irick Shikwana,

Case No. 3:15-cv-02088

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Toledo Gaming Ventures, LLC, et al.,

Defendants

Plaintiff Irick Shikwana filed suit in the Lucas County, Ohio Court of Common Pleas, alleging four claims arising under Ohio law against Defendants Toledo Gaming Ventures, LLC, and Jennifer Spencer. (Doc. No. 1-1). At the time of the filing, all three parties were citizens of the state of Ohio. (Doc. No. 1-1 at 1-2). Subsequently, Shikwana moved to Florida and Spencer moved to Kansas. (Doc. No. 1 at 1-2). After Shikwana confirmed at his deposition that he now is a permanent resident of the state of Florida, Defendants filed a notice of removal, asserting removal is proper on the basis of diversity of citizenship. (Doc. No. 1 at 2). Shikwana has filed a motion to remand. (Doc. No. 5).

A state court action which is removable “solely on the basis of jurisdiction under [28 U.S.C. § 1332(a)] may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b)(2); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 84 (2005). Toledo Gaming Ventures is a citizen of the state of Ohio. (Doc. No. 1 at 2). This case, therefore, is not removable under § 1441, and is remanded to the Lucas County Court of Common Pleas.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge